IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 15TH JUNE, 2007 / 25TH JYAISHTA, 1929

WP(C).No. 13697 of 2007(E)

PETITIONER:

K.BALAKRISHNA PILLAI,
PROPRIETOR, M/S.ANUGRAHA ENTERPRISES,
RESHMI VIHAR, NANTHIATTUKUNNAM,
NORTH PARAVOOR - 683 513.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.LAKSHMY

RESPONDENTS:

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1. MANAGING DIRECTOR,
KERALA FINANCIAL CORPORATION,
HEAD OFFICE, VELLAYAMBALAM,
THIRUVANANTHAPURAM.

2. KERALA FINANCIAL CORPORATION,
REPRESENTED BY CHIEF MANAGER,
BRANCH OFFICE, IST FLOOR, FINANCE TOWERS,
KALOOR, ERNAKULAM.

BY ADV. SRI.M.M.SAYED MUHAMMED, SC FOR KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 13697 OF 2007 - E

Dated this the 15th day of June, 2007

J U D G M E N T

The petitioner's application for one time settlement was not considered by the respondents on the ground that the petitioner has not paid 10% of the total amount which is a condition precedent for considering the application for one time settlement. The petitioner claims to have paid Rs.50,000/-. According to counsel for the respondents, the petitioner is liable to pay an amount of Rs.90,000/- more and since the petitioner refused to pay it even after intimation, the respondents are not liable to consider the petitioner's claim, especially since, as at present, there is no one time settlement scheme in force.

2. Having considered the contentions of both sides, I feel that a sympathetic attitude should be taken by the respondents in this matter. Accordingly, I dispose of this writ petition as follows:-

If the petitioner pays a further amount of Rs.90,000/- (rupees ninety thousand only) within one month, the respondents shall consider the application for one time settlement of the petitioner in accordance with the scheme existing as on the date of application and pass appropriate orders thereon, expeditiously, at any rate, not later than one month from the date of payment of the additional amount of Rs.90,000/-.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007